UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LIBERTY MEDIA HOLDINGS, LLC Plaintiff, vs. HAWAII MEMBERS OF SWARM OF NOVEMBER 15, 2010 TO JANUARY 27, 2011, SHARING HASH FILE AE340D0560129AFEE8D78CE07F23 94C7B5BC9C05; AND DOES 1 through 12, Defendants.	Case No. 1:11-cv-00262 DAE-RLP **DECLARATION OF COUNSEL**

DECLARATION OF COUNSEL

I, SETH M. REISS, declare as follows:

1. I am licensed to practice law, in good standing, in all courts within the State of Hawai`i and am one of the attorneys representing Plaintiff LIBERTY MEDIA HOLDINGS, LLC in this action. I make this declaration upon personal knowledge, information and belief.

2. Plaintiff is still in the process of discovering the identities of Doe Defendants 1, 3, 4, 5, 7, 8, 9 and 10.

3. On May 3, 2011, this Court issued an order [Document 22] authorizing early discovery in the form of a Rule 45 subpoena to be served upon

witness Time Warner Cable for the discovery of names and contact information of subscribers implicated by the IP addresses identified in the complaint filed herein.

4. On May 6, 2011, Plaintiff served Time Warner Cable with a copy of the court's order and a Rule 45 subpoena with a return date of July 18, 2011.

5. On August 5, 2011, Time Warner Cable returned the subpoena and disclosed to Plaintiff the names and contact information of the subscribers assigned the Hawaii based IP addresses implicated in the AE3 Swarm. Certain of the identified subscribers had prior to this time contacted Plaintiff's counsel to work out settlements in response to having been notified by Time Warner Cable of this lawsuit and Plaintiff's request for subscriber information.

6. On or about August 11, 2011, Plaintiff's counsel wrote the individuals who had been identified as subscribers by Time Warner Cable but had not yet settled with Plaintiff. Plaintiff's letters explained the basis of the lawsuit and asked that the subscriber settle the dispute with Plaintiff or provide Plaintiff with reasons why Plaintiff should not pursue its claims against the identified individual.

7. In some cases the identified subscriber settled with Plaintiff; in other cases no response was forthcoming from the subscriber; and in still other cases the subscriber claimed he or she had not engaged in the infringing conduct but failed to provide Plaintiff with any reason why their subscriber IP address was implicated

when they had not themselves engaged in the alleged infringing conduct, or why they were not themselves responsible for others using their assigned IP address.

8. Plaintiff has settled with Doe Defendants 2, 6, 11 and 12. Upon information and belief, Plaintiff needs to engage in further discovery to be in a position to identify Doe Defendants 1, 3, 4, 5, 7, 8, 9 and 10 with greater certainty as being individuals who engaged the infringing conduct alleged in the complaint.

9. Upon information and belief, Plaintiff has prosecuted this case diligently within the confines of the law. The delay in identifying the Doe Defendants is substantially due to the time required to obtain subscriber information from Time Warner Cable and to contact the identified Internet subscribers to solicit information on a voluntary basis.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, September 13, 2011.

/s/ Seth M. Reiss

SETH M. REISS